

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 90 “ZONING,” OF THE TOWN CODE BY AMENDING SECTION 90-37 “PERMITS, PLATS AND FILING FEES;” BY DELETING SECTION 90-183 “FENCES, WALLS AND HEDGES;” BY AMENDING SECTION 90-194 “LANDSCAPING REQUIREMENTS” TO REVISE THE REQUIREMENTS FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPING AND OPEN SPACE IN THE TOWN; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 30, 2005, the Planning and Zoning Board considered revisions to the Town’s current landscaping requirements; and

WHEREAS, the Planning and Zoning Board recommends that the Town Commission approve the revisions to the Town’s landscaping regulations as set forth in this Ordinance; and

WHEREAS, the Town Commission finds that approval of this Ordinance amending the current requirements for the installation and maintenance of landscaping and open space in the Town is in the best interest of the Town and its residents.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. Town Code Amended. Section 90-37, “Permits, plats and filing fees,” of

the Town Code is hereby amended to read as follows:

Sec. 90-37. Permits, plats and filing fees.

* * * *

(c) *Applications for building permits.* Applications for building permits in ~~RD-2~~, RM-1, RMO-1, RT-1 and ~~EO-1~~ NCS-0 districts must be accompanied by the following:

- (1) A plot plan showing provisions for adequate drainage where required.
- (2) A rendering showing details of materials to be used on the exterior of the building.
- (3) A detailed landscaping plan, prepared by a registered landscape architect, including scale demonstrating actual size of plants to be used.

Section 3. Town Code Amended. Section 90-183, “Fences, walls and hedges,” of

the Town Code is hereby deleted in its entirety as follows:

~~Sec. 90-183. Fences, walls and hedges.~~

~~An ornamental fence, wall or hedge, not more than five feet in height, may project into or enclose any side or rear yard, except as otherwise provided herein. The height of such ornamental fence, wall or hedge shall be measured from the ground upon which it is located. No fence, wall or structure of any kind shall be constructed in a front yard, nor on a corner lot in a side yard, where such side yard abuts a public right of way. An ornamental hedge with a height of not more than three feet shall be permitted. Under no circumstances is any fence, wall or hedge to be located on a corner lot in such a way as to conflict with the requirements of section 190-181 (vision clearance).~~

Section 4. Town Code Amended. Section 90-194 “Landscaping Requirements,” of

the Town Code is hereby amended to read as follows:

Ordinance No. _____

Sec. 90-194. Landscaping requirements.

- ~~(a) All front yard areas, exclusive of required driveways and entrance ways (but never less than 50 percent of the entire front yard area) shall be landscaped and be readily permeable by rainwater and groundwater, except as provided in section 90-188. Where bricks or pavers of any kind are utilized, openings in them or spaces between them shall not be considered in the 50 percent landscape requirement.~~
- ~~(b) Rear yard areas in the RS-1, RS-2 and RD-1 districts, shall not be less 40 percent landscaped and be readily permeable by rainwater and groundwater.~~
- ~~(c) All off street parking areas, and all lands upon which vehicles traverse the property as a function of its primary use, including but not limited to, activities of a drive in nature, such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants and the like, shall conform to the landscaping requirements of Dade County Code Section 18A as same shall be amended from time to time.~~
- ~~(d) In the RT-1 district, in lieu of subsection (c), for the purpose of creating shade, screening and architectural landscaping ornamentation, a trellis structure will be permitted within the internal side setback area subject to the following:
 - ~~(1) The structure's purpose is to support landscaping material.~~
 - ~~(2) The structure must be completely open on all four sides. However, the side abutting the adjacent property may contain virtually transparent plant supporting material.~~
 - ~~(3) The structure shall not be roofed.~~
 - ~~(4) The top of the structure must be open with an open to solid ratio of at least 70 percent open to 30 percent solid.~~
 - ~~(5) The structure shall not exceed ten feet in height. The vertical supports must not exceed a slenderness ratio of ten feet to eight inches in thickness and may not be less than 12 feet apart. The structure may not exceed 35 percent of the internal side yard area.~~~~
- ~~(e) Landscaping plans shall be submitted as required by subsection 90-37(e)(3), and shall be subject to the approval of the town manager with the recommendation of the planning and zoning board.~~

A. Title. This shall be known as the “Town of Surfside Landscape Ordinance.”

B. Purpose and Intent. The purpose and intent of this Ordinance is to provide requirements, standards and regulations for the installation and maintenance of landscaping and landscaped open space. The Town recognizes the aesthetic, ecological and economic value of landscaping and requires its use to:

1. Preserve and enhance Surfside’s urban forests;
2. Promote the re-establishment of vegetation in the urban area for aesthetic, health and urban wildlife reasons;

3. Reduce storm water runoff pollution, temperature and rate and volume of water flow;
4. Establish and enhance a pleasant visual character, which recognizes aesthetics and safety issues;
5. Create and enhance a subtropical environment to reinforce the identity, distinctiveness and sense of place for Surfside that is essential to the quality of visitor experiences that strengthen the Town's economic base of tourism.
6. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
7. Unify development and enhance and define public spaces;
8. Promote the retention and use of existing and native vegetation;
9. Aid in energy conservation by providing shade from the sun and shelter from the wind;
10. Restore natural communities through re-establishment of native plants;
11. Mitigate for the loss of natural resource values; and
12. Maintain and improve the aesthetic quality of the Town of Surfside, thereby promoting the health and general welfare of its citizenry.

C. Applicability. The provisions of this Ordinance and Chapter 18A of the Code of Miami-Dade County, the "Miami-Dade County Landscape Ordinance," as may be amended from time to time, shall apply to all public and private development within the Town including (i) all new construction; (ii) substantial additions or alterations in excess of fifty percent (50%) of the fair market value of the existing structure; or (iii) where more than fifty percent (50%) of the total site landscaping requires replacement.

D. Definitions. The definitions contained in Section 90-2 of the Town Code and Chapter 18A of the Code of Miami-Dade County, the "Miami-Dade County Landscape Ordinance," as amended from time to time, shall apply to this Ordinance. In addition, the following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer/perimeter landscape: An area of land that is set aside along the perimeter of a parcel of land in which landscaping is required to provide a visual barrier or aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact and incompatible land use impact; or an area of land that complies with Section 90-181 of the Town Code and provides a landscape area between the public right-of-way and the off-street parking area.

Dumpster: A refuse container of one cubic yard or larger.

Grey wood: The area of trunk on a palm from ground level to the palm frond sheath except where removal of fronds is necessary to protect property and public safety.

Hatrack. To flat-cut the top of a tree, severing the leader or leaders; to prune a tree by stubbing off mature wood larger than three inches in diameter; or to reduce the tree's living canopy by more than one-third except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Acacia Auriculiformis, Bischofia Javanica, Araucaria heterophylla (Norfolk Island Pine), ~~or~~ Thespesia Populnea (Seaside Mahoe) or any species of ficus.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs or trees or any combination thereof that form a barrier or boundary along a property line.

Height: The height of a wall, fence or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence or hedge except that the height of walls, fences or hedges within the front yard area and for corner lots the side street yard area, shall be measured from the top elevation of the adjoining curb, gutter if no curb exists, or edge of street pavement if no curb or gutter exists. The average elevation shall be measured along the wall, fence or hedge line where same is to be placed. The land within the area where the wall, fence or hedge is to be placed shall not be increased or decreased to affect the permitted height, unless the entire building site is to be graded to level off said area.

Native Plant Species: Plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants that are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela and "The Biology of Trees Native to Tropical Florida" by P.B. Tomlinson, are native plant species within the meaning of this definition. Plant species that have been introduced Miami-Dade County by man are not native plant species.

Natural or Conservation Area: An area, as identified in the Town's comprehensive plan, designated on the site plan containing natural vegetation, which will remain undisturbed when property is fully developed.

Palms: Members of the Palmae family that are monocots characterized by palmae or pinnate fronds attached to a trunk with a single growing point on each trunk. Palms may be single or multiple trunk.

Prohibited Plant Species: Those plants listed in both Section 90-195 of the Town Code and the Miami-Dade County landscape manual which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety,

and welfare, except as specifically allowed as hedge material only and upon approval of the Town Building Official.

Protective Barrier: A temporary fence or other structure built to restrict passage into an area surrounding a tree for the purpose of preventing any disturbance to the roots, trunk or branches of the tree.

Retention Area: An area designed and used for the temporary or permanent storage of stormwater runoff, which may be either dry or wet retention as defined below:

(1) Dry retention is an area that is designed for temporary storage of stormwater runoff and that is one foot above the ground water level as established by the South Florida Water Management District and has a maximum slope of 4:1.

(2) Wet retention is an area that is designed for the permanent storage of water and is at least one-half acre in size, with an average width of not less than 100 feet and a minimum depth of eight feet below ground water level as established by the South Florida Water Management District, with maximum slope 4:1 extending down to a point five feet below the low water line.

Shrub: A self-supporting woody perennial plant, usually with several permanent stems, normally growing to a height of 36 inches or greater, characterized by multiple stems and branches continuous from the base.

Tree: Any self-supporting woody perennial plant that, at maturity, attains a trunk diameter of at least four inches when measured at a point 4 1/2 feet above ground level and that normally attains an overall height of at least 25 feet, usually with one main stem or trunk and many branches.

Untended Vegetation: Turf grass, weeds or underbrush in excess of eight (8) inches in height from the ground, vines or other vegetation.

Visual Screen: A physical obstruction used to separate two areas or uses, which are at least 75 percent opaque. Visual screens shall be living plant material, of natural or man-made construction material, or any combination thereof.

Xeriscape: A type of landscaping utilizing native plants and ground cover that needs reduced water and little maintenance, which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II as may amended from time to time.

E. Landscape Plan Required.

(1) Except for RS, RS-1, RS-2, RD-1 and RD-2 Districts, prior to the issuance of a building permit for exterior construction (interior renovations, exterior painting and signage permits are exempted) greater than \$5000 in value or site plan approval, a landscape plan shall be submitted to and approved by the Town Building Official. The landscape plan shall be drawn to a scale not less than 1" = 20'-0". All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. The landscape plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas. The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The plan shall also include a tabulation of required and provided plant materials. The use of Xeriscape principles in the development of such plan is strongly encouraged. No building permit or site plan approval shall be issued unless such landscape plan complies with the provisions herein.

(2) For RS, RS-1, RS-2, RD-1 and RD-2 districts, a sketch plan indicating the general location of new landscaping in relation to existing and proposed structures, property lines and major site improvements such as pools and patios, the type of plant material (tree, palm, shrub, ground cover, turf grass, flower bed) and the approximate size of the plant material at time of installation shall be submitted. The common or botanical name of the plant material shall be indicated to the greatest extent possible to assure compliance with Section 90-195 of the Town Code, "Prohibited Plants, Trees, Shrubs, Weeds and Vegetation," and the Miami-Dade County landscape manual. All existing trees of greater than 3-inch trunk diameter at breast height shall be noted on the sketch as to approximate location and trunk diameter.

F. Minimum Landscape Requirements for all Zoning Districts.

(1) Tree specifications.

a. For all RS, RS-1 and RS-2 Districts there shall be located within the front yard area not less than three (3) trees per platted lot. For RD-1 and RD-2 Districts there shall be not less than nine (9) trees per platted lot, at least three of which shall be in the front yard area. For RM-1 and RT Districts there shall be not less than twenty-eight (28) trees per acre of net lot area. Fractions of a lot or an acre shall require a proportional number of trees to the nearest whole number. Required trees shall be of a species that normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks that can be maintained with over six feet of clear wood. Emphasis shall be given to the use of native species.

b. All required trees shall have a minimum caliper – the trunk diameter at breast height - of three inches and be a minimum of 10 feet in height overall at time of planting. A list of approved required trees is available from the Town Building Official.

c. Palms, if required by the Town Building Official, shall be a minimum of 10 feet in height and six feet of grey wood.

d. No more than 40 percent of all required trees shall be of a palm species.

e. Three palm trees shall be clustered to equal one required shade tree. The three palm trees in the cluster shall be of differing heights, with a minimum three-foot stagger between adjacent palms, but, in no case smaller than 10 feet in height. Roystonea sp. (Royal Palm) and Phoenix sp. (Date Palm) may have matching heights. Such clustering shall be determined by the Town Building Official.

f. Painting the trunks of trees or palms any color is prohibited.

(2) Other plant material specifications.

a. *Shrubs and hedges:* Shall be of a self-supporting, woody, evergreen species and shall be a minimum of two feet in height at time of planting. Hedges shall be planted and maintained so that within one year from planting the hedge will form a continuous, solid visual screen, of not less than three feet in height. Spacing of plants shall be no more than 24 inches on center. Double staggered rows may be required in some areas as determined by the Town Building Official.

b. *Ground covers:* May be used in lieu of turf grass. Gravel, crushed rock or similar surface treatments devoid of plant material are not ground cover. Where active use of landscaped yard areas is expected, some turf grass lawn areas to support such use is recommended. Ground covers shall present a finished appearance and reasonably complete coverage at time of planting.

c. *Lawn grass:* For RS, RS-1, RS-2, RD-1 and RD-2 districts, lawn (turf grass) areas shall not exceed 60% of the required landscaped area. For RM-1 and RT-1 Districts, lawn (turf grass) areas shall not exceed 40% of the required landscaped area. The balance of landscaped areas shall be shrubs and ground cover. Turf grasses shall be St. Augustine 'Floratum' solid sod, or other lawn type as approved by the Town Building Official, reasonably free of insects and noxious weeds.

d. Quality: Plant material shall comply with required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture's "Grades and Standards of Nursery Plants, Part I," latest revision, and "Grades and Standards for Nursery Plants, Part II for Palms and Trees," latest revision, or with any superseding standards set forth in this Ordinance. Plants shall conform to Florida No. 1 (as set forth in the above publications) or better regarding:

- i. Shape and form.
- ii. Health and vitality.
- iii. Condition of foliage.
- iv. Root system.
- v. Free from pest and mechanical damaged.
- vi. Heavily branched and with dense foliage.

e. Mulch: All exposed soil areas in planting beds, including hedge rows, shall be kept weed free, and mulched (excluding seasonal color beds) to a minimum one-inch depth (three inches preferable). Mulch should be replenished, as needed, to meet this requirement. The use of shredded and composted Melaleuca, grade B mulch is encouraged.

f. Vines: Shall be not less than 24 inches in height at time of planting and may be used in conjunction with fences or walls. Where required, vines shall be supported by either a trellis or other suitable support system that allows the vines to grow to the top of the fences or walls.

g. Power lines: Where the height and location of overhead power lines require the planting of low growing trees, trees shall have a minimum height of eight (8) feet, a minimum caliper of one and one-half (1 1/2) inches at time of planting, and shall meet the following requirements:

- i. Single trunk trees clear of lateral branches to four (4) feet and/or multi trunk trees or tree/shrubs, as referenced in the Miami-Dade County Landscape Manual, cleared of foliage to a height of four (4) feet.
- ii. A maximum average spacing of twenty-five (25) feet on center.
- iii. Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.
- iv. Under high voltage (50kV and above) transmission lines installed independent of under-built distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards Institute) Z133.1 Standards.

(3) Installation.

a. Planting methods: All plant material shall be installed following accepted planting procedures set forth by the American Association of Nurserymen and The Florida Nurserymen and Growers Association.

b. Curbing: Except for RS, RS-1, RS-2, RD-1 and RD-2 districts, landscaped areas, walls, structures, and walks shall require protection from the encroachment or overhang of vehicles. A continuous concrete curb not less than six inches in height, approved by the Town Building Official, shall be installed to prevent encroachment.

c. Existing plant credit: In instances where healthy plant material exists on-site (particularly native or Xeriscape species), the Town Building Official may adjust the requirements set forth in this Ordinance to allow credit for such plant material if, in the Building Official's opinion, such an adjustment is in keeping with and will preserve the intent of this Ordinance.

d. Permit requirements: A landscape permit will be required prior to installation.

(4) Irrigation. Except in RS, RS-1, RS-2, RD-1 and RD-2 Districts, all newly landscaped areas shall be provided with a fully automatic underground irrigation system that provides 100 percent coverage to all landscaped areas. The Town Building Official may approve exceptions for Xeriscaped areas. The irrigation system shall be designed to provide only the required water to sustain viable plant material. The use of a porous, pipe subsurface irrigation system that requires low water volume and pressure is encouraged when adjacent to vehicular roadway areas.

a. The operation of an irrigation system during periods of heavy rainfall is prohibited and shall conform to standards and regulations as established by the South Florida Water Management District. Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Use of rain gauge sensors is required.

b. For purposes of water conservation and good horticultural practice, sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so that they are on a separate zone and schedules from those irrigating trees, shrubbery or other reduced water requirement areas.

c. Landscape irrigation systems shall be designed so that, to the greatest extent practical, water being applied to non-pervious areas is eliminated.

d. Use of non-potable water for use in the irrigation of lawn and plant material is required when available.

e. Properties that receive three or more code violations in a 12-month period for landscaping that are attributable, wholly or partially, to lack of proper watering shall be required to install an irrigation system.

G. MAINTENANCE

- (1) General.** In all districts, the property owner shall be responsible for maintaining all landscape material in good condition so as to present a healthy, neat, and orderly appearance which is clear of weeds, refuse and debris. Landscaping material shall be trimmed and maintained so as to meet all Town, Miami-Dade County and State if Florida site distance requirements. Hedges planted along property lines shall be maintained and neatly trimmed to prevent growth extending across the property line or otherwise encroaching on an adjacent property. Trees and tall shrubs shall be maintained and trimmed to prevent branches from extending over or contacting structures on adjacent properties. All lawn turf grasses shall be kept trimmed or mowed to a height not exceeding 8 inches above ground level. Tree species prone to wind damage shall be adequately trimmed prior to and during hurricane season (June - November).
- (2) Prohibition of litter and untended vegetation.**

 - a.** All property owners shall keep such property and the adjoining unpaved portions of the public rights-of-way, swales, and bulkheads clean and free from any accumulation of garbage, trash, or litter.
 - b.** Property owners within the Town shall not permit untended vegetation upon the property, and the adjoining portions of the rights-of-way, swales and canal banks.
 - c.** Plastic plants or similar artificial landscape materials shall be prohibited except for seasonal decorative displays of less than sixty (60) days' duration.
- (3) Tree Hatracking.** It shall be unlawful for any person to hatrack any tree within the Town. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section by the Town Building Official.
- (4) Edging.** Edging shall be accomplished in such a manner so as not to destroy landscaping material.
- (5) Fertilization.** Landscaping material shall be fertilized as needed to maintain healthy, viable growth. Use of environmentally safe fertilizer is required. The application and use of fertilizer must conform to manufacturer's specifications.
- (6) Noncompliance by owner.**

 - a.** Notice of violation. The enforcement of this Ordinance shall be in accordance with the Town Code.

b. *Non-compliance with notice of violation.* In addition to any other remedies provided for by the Town Code, if the property owner fails to complete corrective action by the date specified in the notice of violation, the Town Manager may authorize the correction of the non-complying condition by the Town. The Town shall have the right to mow, trim and/or remove untended vegetation and litter from any property not in compliance with the Town Code and shall have the right to place a lien upon the property in an amount equal to the direct and indirect costs to the Town to remedy the violation(s).

H. TREE REMOVAL PERMIT.

Except for trees or large shrubs listed in Section 90-195 of the Town Code, an existing tree having a trunk diameter of three inches or greater, shall not be removed or relocated without a permit. Tree removal shall include removal of the stump and grinding to ground level, if necessary. In evaluating whether to grant a tree removal permit, the Town Building Official shall consider the size, species (native or not), health, rareness and age of the tree.

A tree survey identifying all existing trees over three inches in diameter shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the botanical name and common name of each tree, and the diameter, height and canopy spread of each tree.

(1) *Protective Barrier.* During site development, trees designated for preservation shall have protective barriers placed around each tree or cluster of trees at the drip line, or a minimum of six feet (in radius) from the trunk whichever is greater, of any protected tree. In addition, no excess soil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers.

(2) *Relocation Standards.* Trees shall be relocated in accordance with the following minimum standards:

a. Tree roots shall be severed a minimum of six weeks prior to relocation and in such a manner to provide a root ball which is sufficient to ensure survival of the tree when relocated.

b. After relocation, a tree shall be watered a minimum of three times per week until the tree is established.

c. Any tree that dies or becomes non-viable within six months of relocation shall be replaced with a tree of comparable species and size, as determined by the Town Building Official.

(3) Tree removal authorization. Tree removal may be authorized when one of the following conditions exists:

- a.** It is determined by the Town Building Official that tree relocation is not feasible.
- b.** An equivalent tree canopy is replaced on the same site. The property owner shall be responsible for replacing any tree that dies with a tree of comparable species and size as determined by the Town Building Official.
- c.** The Town Building Official has determined that the tree to be removed is either dead, severely damaged, or a safety hazard.

I. MINIMUM DESIGN STANDARDS. The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings (RS, RS-1, RS-2, RD-1 and RD-2 districts):

(1) Landscape Plan. A landscape plan shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized to prepare landscape plans or drawings by Chapter 481, Florida Statutes. A landscape plan shall be submitted with the master plan for the development.

(2) Perimeter Landscape Requirements. Between dissimilar uses, adjacent to any street right-of-way, plus along the perimeter of all vehicular use areas, there shall be a continuous buffer strip of not less than five feet in width. A buffer strip shall include at least one tree for each 30 linear feet, or portion thereof, of perimeter. Where a buffer strip abuts a vehicular use area, there shall be installed a hedge, berm, or other durable landscaped visual barrier of not less than three feet in height at the time of planting, and solid within one year of planting. Where the vehicular use area is visible from the public right-of-way, a double row of hedge may be required by the Town Building Official. Sod or ground cover with irrigation shall be installed to the edge of pavement. The following are exceptions to the perimeter landscape requirements:

- a. Access drives:** Necessary accessways shall be permitted to traverse required perimeter buffer strips.
- b. Abutting a right-of-way but no vehicular use area:** Buffer strips of not less than five feet in width shall require continuous hedges and one tree for every 25 linear feet.
- c. Abutting another vehicular use area:** Accessways may traverse required buffer strips along common interior lot lines when said accessways

improve overall vehicular circulation within and between abutting properties.

d. RM, RT-1 and B-1 Districts abutting a RS, RS-1, RS-2, RD-1 or RD-2 District: A buffer strip of not less than five feet in width shall include a continuous solid wall, hedge, or other barrier vegetation at least six (6) feet in height, and one tree every 25 linear feet. All walls adjacent to a public roadway are to be located in order to allow vegetation and/or a vine to be planted at the base of the wall to screen the wall for anti-graffiti purposes. In addition, grass or ground cover shall be planted in the remaining open space of the buffer.

(3) Interior Landscape Requirements. For RM-1, RT-1 and B-1 Districts, within the interior of any vehicular use area (total area less required perimeter buffer strips), the following shall be required:

a. When the interior of any vehicular use area is designed for off-street surface parking purposes, the following shall be provided:

i. Terminal Islands: Contiguous rows of parking spaces shall be terminated on both ends with landscaped islands with not less than seven feet in width (excluding curbing), and with a minimum of one tree per each island. The ends of such islands may be tapered to accommodate vehicle circulation. Such islands shall extend the entire length of the parking space and include at least one tree for every 100 square feet, or portion thereof, of said island. The remainder of the terminal island shall be well landscaped with grass or ground cover.

ii. Interior Islands: Landscaped interior islands shall be seven feet in width (excluding curbing) and not less than 90 square feet each in area and shall be placed within individual rows of contiguous parking spaces so that there is not less than one island for every ten parking spaces, or portion thereof and shall continue the full length of the contiguous parking space. At least one tree shall be planted in every interior island and the remainder of the island shall be landscaped with grass or ground cover. Interior islands shall not be placed directly opposite each other when in abutting parking rows, except when a pedestrian walkway crosses a parking area and it is desirable to utilize aligned islands to provide a pathway for pedestrian movements, in which case the island may be paved with interlocking, sand set pavers. The Town Building Official may approve any arrangement that creates a non-regimented appearance, relieves monotony, increases tree canopy and fulfills the requirements of this Ordinance.

Where any row of contiguous parking spaces is located so as to abut another row of contiguous parking spaces, a landscaped divider median of not less than seven feet (excluding curbing) in width shall be required between contiguous rows.

iii. Divider medians: Where any row of contiguous parking spaces is located so as to abut an interior driveway rather than another row of contiguous parking spaces, a landscaped divider median of not less than seven feet (excluding curbing) in width shall be required between said row and the abutting driveway. At least one tree shall be planted for every 25 linear feet of said median and the remainder of said median shall be landscaped with grass or ground cover.

b. When the interior of any vehicular use area is designed primarily for purposes other than off-street parking, such as for drive-in or drive-through banking or retailing, the drive-through lane shall be separated from other vehicular use areas for its entire length, with a five-foot wide (excluding curbing) landscaped area planted with one tree for every 25 linear feet, and with lawn grass or ground cover. The portion of the drive-through lane that is adjacent to the primary structure shall have a minimum three feet wide landscaped area between the structure and the drive-through lane, or as determined by the Town Building Official.

(4) Landscape requirements for non-vehicular use areas. A landscape plan that beautifies, provides shade, and complements the architecture of the adjacent building, which is approved by the Town Building Official.

(5) Clear sight triangles.

a. When an accessway intersects a public street or alley right-of-way, or another accessway, or when the vehicular use area is contiguous to the intersection of two or more public rights-of-way, all landscaping within the triangular areas created by such intersections and defined below shall provide unobstructed vision clearance at an elevation of 30 inches to eight feet in height.

b. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the vision clearance area shall be permitted, provided they in no way create a traffic hazard. No landscaping elements, except for grass, ground cover, or hedges shall be located nearer than five feet to any accessway intersection of a public road.

c. Intersection of two public streets: The vision clearance area shall be the triangular area formed by the intersection of the two streets beginning at the point where property lines meet at the corner, or in the case of rounded property

corners, the point at which they would meet without such rounding, and then extending 25 feet along each property line. The vision clearance area shall be where a diagonal line connects the two furthestmost points.

d. Intersection of any alley or accessway with a public street, or with another alley or accessway: The vision clearance area shall be the triangular area formed by the intersection of the alley or accessway and the other alley, accessway or street beginning at the point where property lines meet at the corner, or in the case of rounded property corners, the point at which they would meet without such rounding, and then extending 15 feet along each property line. The vision clearance area shall be where a diagonal line connects the two furthestmost points.

e. All Town, Miami-Dade County, and FDOT design criteria related to highway safety for landscaping material shall be met by the property owner as required by the Town Building Official.

- (6) Required Landscape or Pervious Areas.** Not more than 60 percent of such areas shall be grass. The balance shall be ground cover, shrubs, or other suitable landscape material.
- (7) Dumpsters.** All dumpsters shall be completely screened from view from the adjacent properties and the public right-of-way by the use of walls or fences and landscaping material and the location shall be approved by the Town Building Official.
- (8) Retention Areas.** Retention areas shall be landscaped with suitable planting material so as to create an aesthetically pleasing appearance and shall be approved by the Town Building Official.
- (9) Drive-through.** Drive-through or loading areas shall be screened from view from the adjacent properties and the public right-of-way by the use of landscaping material and shall be approved by the Town Building Official.
- (10) Garage and Building Rooftop Landscaping.** Not less than fifty (50) percent of rooftop areas of buildings that are ancillary to and are visible from upper level dwelling or hotel units on the same site shall be screened or buffered through the use of landscaped horizontal trellis structures, shade or palm trees in irrigated planters, canopies, screening walls enclosing mechanical equipment and/or through the decorative surface treatments of flat roof areas with patterns of gravel or other surfacing materials in varying shades and hues to create a graphic composition. Not less than fifty (50) percent of open rooftop parking on garage structures adjacent to upper level residential and hotel units shall be screened through the use of landscaped trellis structures, canopies or shade or palm trees in irrigated planters.

(11) Trellis Structures in the RT-1 District. For the purpose of creating shade, screening and architectural ornamentation, a trellis structure shall be permitted within the internal side and rear setback area subject to the following:

- a.** The structure's purpose is to support landscaping material.
- b.** The structure must be completely open on all four sides. However, the side abutting an adjacent property may contain virtually transparent plant supporting material (wire mesh or similar).
- c.** The structure shall not be roofed.
- d.** The top of the structure must be open with an open-to-solid ratio of at least 70 percent open.
- e.** The structure shall not exceed ten feet in height. The vertical supports must not exceed eight inches in diameter and be at least twelve feet apart. The entire structure may not cover greater than 35 percent of the yard area in which it is placed.

J. HEDGES, FENCES AND WALLS

(1) Location.

a. Front and Corner Yard Areas - For residentially zoned properties (RS, RS-1, RS-2, RD-1, RD-2, RM and RT-1 districts), within the boundary of a front or corner yard area as defined by the required setbacks in Section 90-155, the following are permitted:

- i.** A hedge not exceeding 3 6 feet in height.
- ii.** A visually transparent (in accordance with sub-section (2)(b) below) fence not exceeding 6 feet in height except that a wood picket fence may not exceed 4 feet in height. A masonry or stone column up to sixteen inches wide, seven feet high and spaced not less than eight feet on center may be erected as a structural support for a fence. Gates must be constructed similar in design and material to the fence.
- iii.** A wall not exceeding 3 feet in height. A fence, including wood picket fences, may be erected on top of a wall, overall not to exceed 6 feet in height. All walls on the front property line shall be set back at least one foot (12 inches) to permit foundation plantings to soften and partially screen such walls. Where public concrete sidewalks abut the front property line, the exterior of the wall shall be landscaped at their base with low shrubs or vines spaced not less than ten feet on center for the length of the wall.
- iv.** Massed plantings of palms and small trees along property lines shall not be considered as hedges.
- v.** All walls and fences within front yard areas shall require review and approval of the Planning and Zoning Board.

b. Interior Side and Rear Yard Areas - For residentially zoned properties (RS, RS-1, RS-2, RD-1, RD-2, RM and RT-1 districts), within the boundary of a side or rear yard the following are permitted:

- i. A hedge not exceeding 8 feet in height.
- ii. A wall or fence (solid or picket) not exceeding 6 feet in height.
- iii. Massed plantings of palms and small trees along property lines shall not be considered as hedges.

c. Commercially Zoned B-1 Properties -

- i. An eight-foot high wall, hedge or fence shall be required along all side and rear commercial B-1 property lines that are contiguous to residential zoned property.

d. Other Locations -

- i. All permitted outdoor storage areas in multiple-family residential and commercial zones shall be visually screened from view by a six-foot high solid wood or masonry fence or wall.
- ii. All vacant lots abutting Collins Avenue or Harding Avenue shall be hedged along that portion of the lot that is adjacent to the street right-of-way. The hedge shall not exceed four feet in height, not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical and visual barrier similar in effect to a fence. All hedges shall be continually and regularly trimmed, and any dead plants, or plants that fail to bear leaves, shall be regularly and timely replaced. The other portions of said lots shall be hedged or fenced so as to prevent the unauthorized entry of motor vehicles thereon.
- iii. Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts and the like shall be permitted at the height necessary and customary for the particular use.
- iv. No fence, wall or hedge shall be constructed, installed or maintained within six feet of any fire hydrant or other emergency apparatus.
- v. As provided in Town Code Section 90-181, Vision Clearances, no fence, wall or hedge shall be constructed, installed or maintained in any manner that creates a visual obstruction to vehicular traffic.

vi. Hedges and trees are strictly prohibited within the Town street rights-of-way except in accordance with any master streetscape-landscape plan prepared and adopted by the Town. Nothing in this section shall be construed to prohibit the planting of low growth landscaping, such as flower beds, in public street right-of-way subject to the following:

a. Prior to planting within any right-of-way area, a landscaping plan shall be provided to the Town for review and approval.

b. Prior to planting in any right-of-way area, the property owner shall obtain a permit from the Town, and shall execute an agreement granting the Town permission to remove any plantings in the right-of-way area along with a release and indemnification agreement in a form acceptable to the Town.

c. In the event that the right-of-way landscaping impedes access, it is subject to removal by the Town without notice and the Town shall have the right to place a lien upon the property in an amount equal to the direct and indirect costs to the Town for removal. The Town shall not be responsible for damage to or restoration of the removed landscaping.

vii. Any permit application for a wall, fence, or landscape planting in any public utility easement of record shall provide that it is subject to revocation by the Town. Every application shall include a letter from the respective utility company controlling such easement granting approval for the wall, fence or planting. Each such wall, fence or planting shall be constructed or planted subject to the conditions that the said wall, fence or planting shall be removed by the owner at any time on request of the utility company requiring the use of the space for utility purposes, and that if the owner of such property fails to remove such wall, fence or planting after request and notice, the utility company or the Town may remove such wall, fence or planting at the property owner's expense. The Town shall have the right to place a lien upon the property in an amount equal to the direct and indirect costs to the Town for removal and shall not be responsible for damage to or restoration of the removed wall, fence or landscape planting.

(2) Walls and Fences – Materials and Specifications.

a. Walls may be constructed of the following materials:

i. Coral Rock

ii. Concrete block stuccoed on both sides with a concrete cap

iii. Slump or adobe brick

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- iv. Pre-cast Concrete
- v. Used red brick, limed red brick or cement brick painted subject to approved by the Planning and Zoning Board.

b. Fences within corner and front yard areas may be constructed of the following materials: wood, ornamental wrought iron, ornamental cast iron or cast aluminum, and vinyl limited to visually transparent picket fences (not more than 50% of the area of said fence, as measured by the overall width times overall height of the fence, may be visually obstructed by the pickets) with no more than three inches between pickets, and shall be painted, except for integral color aluminum and vinyl.

c. i. Fences within interior side and rear yard areas may be constructed of the following materials:

- a. Vinyl coated galvanized steel chain link in one of the following colors: black, dark green, forest green, and turf green;
- b. Ornamental wrought iron, ornamental cast iron or cast aluminum;
- c. Wood; or
- d. Vinyl.

ii. Chain link fences shall be landscaped with shrubs or vines so as to fully screen them from view if capable of being seen from a public street right-of-way. Except for weather resistant woods such as redwood, teak, Ipé, and the like, all wood fences must be painted, stained or sealed on each side such that bare construction grade materials are visually finished and maintained in good condition. Fences that are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off-premises view.

d. Ornamental entrances, fountains, plant containers and similar architectural features within front yard areas that exceed the fence height restriction shall be permitted, provided that:

- i. No such feature shall exceed nine (9) feet in height;
- ii. The feature shall be approved by the Town Building Official; and
- ii. There shall be only one such feature in any front yard, except that there may be two entrance gates.

(3) Hedges – Materials and Specifications.

a. Hedge plantings shall conform to Section 90-195 of the Town Code, except that hedge plantings of Ficus species existing on the effective date of Ordinance]may be retained in accordance with maintenance standards set forth in this Ordinance and shall be strictly trimmed to the permitted height to contain root growth. Where the potential for root damage to underground utilities exists, the Town may require removal of a Ficus hedge at the owner's expense.

b. The use of Ficus species for new hedge plantings is prohibited except to replace damaged or dead plant material in Ficus hedges existing on the effective date of this Ordinance.

K. PERMEABILITY – MINIMUM DESIGN STANDARDS - SINGLE FAMILY AND DUPLEX.

The following shall apply to all developments in the R, RS-1, RS-2, RD-1, and RD-2 Districts:

- (1) All front yard areas, exclusive of required driveways and entrance ways (but never less than 30 percent of the entire front yard area) shall be landscaped and be readily permeable by rainwater and groundwater, as provided in Section 90-188. Where bricks or pavers of any kind are utilized, openings in them or spaces between them shall not be counted towards the 30 percent landscape requirement.
- (2) Rear yard areas in the RS, RS-1, and RS-2 Districts shall have not less than 40% of the area landscaped and readily permeable by rainwater and groundwater.
- (3) Rear yard areas in the RD-1 district with a required rear yard depth of at least 20 feet shall have not less than 40% of the area landscaped and readily permeable by rainwater and groundwater.

L. RECOMMENDED XERISCAPE PLANT SPECIES FOR LANDSCAPING.

It is recommended that at least 50% of the landscape plant material used consist of Xeriscape plants that are native and subtropical species well adapted to the local climate and growing conditions of South Florida. Xeriscape plants are especially drought tolerant, well-suited to the local soil conditions, relatively pest free, and easily maintained. A recommended list of native Xeriscape plant material is available from the Town.

Section 5. Penalty. Any person, persons, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 6. Severability. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed insofar as they are in conflict.

Section 7. Inclusion in the Code. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Surfside. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

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Section 8. **Effective Date.** This ordinance shall become effective at the expiration of twenty (20) days after posting in the Town Hall following final passage.

PASSED AND ADOPTED this **13th** day of **December**, 2005.

MAYOR

Attest:

TOWN CLERK

First reading: November 8, 2005

Second reading: December 13, 2005

Effective Date: January 2, 2006

Approved as to form and legal sufficiency:

TOWN ATTORNEY

Ordinance No. _____